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Attorneys for Second Named Defendant
X CORP., Successor In Interest to First Named
Defendant, Twitter, Inc.

[ADDITIONAL COUNSEL LISTED ON
SIGNATURE PAGE]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Facilitate Corporation Pte Ltd,

Plaintiff,

v.

Twitter, Inc. and X Corp., Inc.,

Defendants.

CASE NO. 4:23-cv-03242-YGR

**STIPULATION AND JOINT MOTION,
AND ~~[PROPOSED]~~ ORDER TO VACATE
DEADLINE AND WITHDRAW CERTAIN
DOCUMENTS FROM THE DOCKET IN
CONNECTION WITH X CORP.'S
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL**

McDERMOTT WILL & EMERY LLP
ATTORNEYS AT LAW
LOS ANGELES

1 Plaintiff Facilitate Corporation Pte Ltd (“Facilitate”) and defendant X Corp., as successor in
2 interest to first named defendant Twitter, Inc. (“X Corp.”), by and through their respective
3 attorneys of record, hereby stipulate, subject to the Court’s approval, to vacate Facilitate’s
4 November 27, 2023 deadline to submit a response to X Corp.’s Supplement to the Administrative
5 Motion to Seal (ECF 17, 25) and to withdraw from the docket those documents that X Corp.
6 proposed to seal in connection with the Administrative Motion (ECF 15, 16-1 and -2, 17-1 and -2,
7 and 25-1), as Facilitate and X Corp. have reached an agreement to resolve their disputes, and have
8 signed a written settlement agreement.

9 WHEREAS, on July 3, 2023, Facilitate filed its Complaint in this Court.

10 WHEREAS, on July 10, 2023, Facilitate served the Complaint and the summons on
11 X Corp.

12 WHEREAS, X Corp. timely filed an Answer to the Complaint on August 21, 2023.

13 WHEREAS, on September 20, 2023, X Corp. filed its Administrative Motion to Seal (the
14 “Administrative Motion”) in this matter (ECF 16), along with a supporting declaration (the
15 “Employee Declaration”) that was redacted to remove the identifying information of the declarant
16 (ECF 15, 16-1). X Corp.’s Administrative Motion sought an order to seal its Supplemental
17 Corporate Disclosure Statement (ECF 16-2) and the declarant’s identifying information redacted
18 from the Employee Declaration.

19 WHEREAS, X Corp. re-filed its Administrative Motion (ECF 17), redacted Employee
20 Declaration (ECF 17-1), and Supplemental Corporate Disclosure Statement (ECF 17-2) on
21 September 21, 2023 because its September 20, 2023 submission was inadvertently filed entirely
22 under seal.

23 WHEREAS, Facilitate filed its Opposition to the Administrative Motion (the “Opposition”) on
24 September 21, 2023 (ECF 18), opposing X Corp.’s request to Seal its Supplemental Disclosure
25 Statement but not opposing its request to seal the declarant’s identifying information redacted from
26 the Employee Declaration.

27 WHEREAS, on November 6, 2023, the Court held an Initial Case Management Conference
28 (the “CMC”). It granted leave for X Corp. to file a supplement to its Administrative Motion by

November 20, 2023, and for Facilitate to file a response thereto by November 27, 2023.

WHEREAS, X Corp. filed a Supplement to its Administrative Motion (ECF 25), along with a supporting declaration (the “Supplemental Employee Declaration”) (ECF 25-1) on November 20, 2023. X Corp.’s Supplement to the Administrative Motion also sought to file the Supplemental Employee Declaration under seal. Facilitate does not oppose sealing the declarant’s identifying information from the Supplemental Employee Declaration.

WHEREAS, Facilitate and X Corp. have reached an agreement to resolve their disputes, and have signed a written settlement agreement.

WHEREAS, the Parties expect to fully perform all obligations under that settlement agreement within days of this filing, and the Parties will thereafter submit a joint stipulation for dismissal with prejudice to the Court.

WHEREAS, the Parties have agreed, in light of the foregoing and subject to this Court’s approval, to vacate Facilitate’s November 27, 2023 deadline to respond to X Corp.’s Supplement to the Administrative Motion, and to allow X Corp., pursuant to Local Rule 79, to withdraw from the docket ECF 15, 16-1 and -2, 17-1 and -2, and 25-1. Those documents to be withdrawn consist of X Corp.’s Supplemental Corporate Disclosure Statement (ECF 16-2 and 17-2) and the declarations filed in support of the Administrative Motion (ECF 15, 16-1, 17-1, and 25-1).

NOW, THEREFORE, THE PARTIES HEREBY STIPULATE AND AGREE that, subject to the Court’s approval, Facilitate’s November 27, 2023 deadline to respond to X Corp.’s Supplement to the Administrative Motion is vacated, and X Corp. can withdraw from the docket ECF 15, 16-1 and -2, 17-1 and -2, and 25-1.

Dated: November 24, 2023

McDERMOTT WILL & EMERY LLP

By: /s/ Jonathan Hawk

JONATHAN HAWK

Attorneys for Second Named Defendant X
CORP., successor in interest to First Named
Defendant TWITTER, INC.

Dated: November 24, 2023

ETHAN JACOBS LAW CORPORATION

By: /s/ *Ethan Jacobs*

ETHAN JACOBS

Attorneys for Plaintiff

FACILITATE CORPORATION PTE LTD

McDERMOTT WILL & EMERY LLP
ATTORNEYS AT LAW
LOS ANGELES

DECLARATION OF JONATHAN HAWK

I, J. Jonathan Hawk, declare:

1. I am a partner of the law firm McDermott Will & Emery LLP, attorneys of record in this action for defendant X Corp., as successor in interest to first named defendant Twitter, Inc. ("X Corp."). I have personal knowledge of the facts set forth herein and could testify competently thereto if called upon to do so.

2. Ethan Jacobs, Facilitate Corporation Pte Ltd's attorney of record, concurred in the filing of the attached joint stipulation, which concurrence shall serve in lieu of his signature on that filed document. I have obtained and will maintain records to support this concurrence for subsequent production to the Court if so ordered or for inspection upon request by a party until one year after resolution of the action, including appeal, if any.

Dated: November 24, 2023

McDERMOTT WILL & EMERY LLP

By: /s/ Jonathan Hawk

JONATHAN HAWK

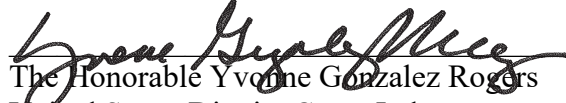
Attorneys for Second Named Defendant X
CORP., successor in interest to First Named
Defendant TWITTER, INC.

McDERMOTT WILL & EMERY LLP
ATTORNEYS AT LAW
LOS ANGELES

~~PROPOSED~~ ORDER

Pursuant to the Parties' Stipulation and Joint Motion and for GOOD CAUSE appearing, the Court hereby orders that Facilitate Corporation Pte Ltd's November 27, 2023 deadline to respond to X Corp.'s Supplement to its Administrative Motion is hereby vacated, and X Corp. is permitted to withdraw from the Court's docket ECF 15, 16-1 and -2, 17-1 and -2, and 25-1

Dated: November 27, 2023


The Honorable Yvonne Gonzalez Rogers
United States District Court Judge